

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS I. SUING,

Defendant.

8:11CR65

ORDER

This matter is before the Court defendant's motion to appoint counsel, [Filing No. 98](#) and motion to proceed in forma pauperis to the Supreme Court of the United States, [Filing No. 99](#). The Court has carefully reviewed the request and finds it is without merit. This Court found the defendant guilty of child pornography crimes and sentenced him to the same. Filing No. 75. The defendant appealed to the Eighth Circuit, and the Eighth Circuit affirmed this court in 2013. Filing Nos. 95 and 96. Defendant now argues that a Supreme Court case affects his case, citing to *Riley v. California* which the Supreme Court decided in June of 2014. [Riley v. California, 134 S.Ct. 2473 \(2014\)](#). The Court has carefully reviewed the case cited by defendant as well as his motion. The Court finds defendant's argument is without merit and is frivolous. The Court further notes that in any event no appeal has been filed in this case. Accordingly, the Court will deny defendant's motion to appoint counsel and motion to proceed in forma pauperis.

THEREFORE, IT IS ORDERED that defendant's motion to appoint counsel, [Filing No. 98](#), and motion to proceed in forma pauperis, [Filing No. 99](#), are denied.

Dated this 31st day of March, 2015

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge